IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1399 OF 2006

Uday J. Karekar ...Appellant
Vs.
Municipal Corpn. of Gt. Bombay & Anr. ...Respondents

Shri S.V. Shetty for the Appellant.
Shri J.J. Xavier for the Respondent No.1.

CORAM : A. S. OKA, J.
DATE : JULY 24, 2006.

P.C.:

1. Affidavit-cum-undertaking of the Appellant is taken on record and marked "X" for identification. Statements made in the affidavit are accepted. Heard the Advocates appearing for the parties.

2. In view of the averments made in the affidavit, the Appeal is disposed of by passing following order:

(i) The Appeal is dismissed as withdrawn.

(ii) If an Application is made by the Appellant for regularisation of the offending structure to the concerned authority of the Respondent No.1-Corporation within period of eight weeks

from today, the same shall be decided on its own merits by the concerned authority within period of eight weeks from the date of receipt of the said Application. The decision taken on the said Application shall be communicated to the Appellant within a period of one week from the date of decision at the address of the Appellant mentioned in the cause title of the First Appeal.

(iii) If Application for regularisation is made by the Appellant within the stipulated period of eight weeks from today, the parties will maintain status-quo as of today in respect of the offending structure for a period of twenty-two weeks from today. If Application for regularisation is not filed within the stipulated time, this protection will not operate.

(iv) Needless to say that if the Application for regularisation is decided against the Appellant, he will be at liberty to adopt appropriate remedies.

(v) There will be no orders as to costs.

JUDGE